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EXAMINER

USTARIS, JOSEPH G

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,185

Applicant(s)

ALSAFADI ET AL.

Examiner

Joseph G. Ustaris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the RCE dated 28 June 2004 in application 09/902,185.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 June 2004 has been entered.

Claim Objections

Claim 5 is objected to because of the following informalities:

- Claim 5 has typos on line 2, "a." and "one. Or". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11-14, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. (US006243707B1).

Regarding claim 1, Humpleman et al. (Humpleman) discloses a method where a home HTML network program guide is produced from an original generic EPG or other various sources or "content-related information" (See column 22 lines 57-60 and column 23 lines 18-29). The home HTML network program guide is built based on a standard program format incorporating HTML standards or "reference information model", where information from the original generic EPG or other various sources is extracted and converted or "configuring" into the HTML standard program format. Thus the end result of the process is a HTML network program guide (See column 22 line 66 – column 23 line 5). The devices on the network have a session manager or "electronic program guide" program that is able to read or "process" the HTML network program guide and display it to the user (See Fig. 10, programming; column 9 lines 35-52, column 17 lines 35-45, and column 18 lines 61-67). The HTML network program guide can be processed by a session manager on a DTV or "electronic program guide of the first type" or by a session manager on a PC or "second electronic program guide of a second type different than the first type" (See column 6 lines 1-13 and column 23 lines 2-11).

Regarding claim 11 and 12, the HTML network program guide is updated (thus producing a "subsequent version") based on the newly updated original generic EPG or "second set of data specifications". This process is an "iterative process" wherein the

process, which performs the same steps each time to update the HTML network program guide, is repeated periodically (See column 23 lines 7-11).

Regarding claim 13, the HTML network program guide receives its information from a original generic EPG or "content-related information", where the original format of the original generic EPG is not complaint to the HTML standard program format or "reference information model", therefore the generic EPG is converted or "transformed" into a HTML standard program format (See column 22 line 66 – column 23 line 5).

Regarding claim 14, the original generic EPG is dependent on the DBSS and will inherently be read by the EPG program of the DSS-NIU or "electronic program guide of a type not based on the reference information model". Alternatively, the original generic EPG is converted into the HTML standard program format or "second format" to produce a HTML network program guide to be read by the session managers or "electronic program guide of the first type" on the network (See Fig. 1; column 22 line 66 – column 23 line 17).

Claim 19 contains the limitations of claim 1 (where inherently system is operated by executing "one or more software programs stored on a machine-readable storage medium") and is analyzed as previously discussed with respect to those claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US006243707B1) in view of Kido (US 20020073081A1).

Claim 3 contains the limitations of claim 1 and is analyzed as previously discussed with respect to those claims. However, Humpleman does not disclose a method where the generic EPG or "content-related information" is in an extensible mark-up language (XML).

Kido discloses a method where an EPG is generated and distributed to the client (See Fig. 8). The generated EPG or original generic EPG or "content-related information" is produced using HTML or XML (See paragraph 0138). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the original generic EPG disclosed by Humpleman to be in an extensible mark-up language, as taught by Kido, so that the original generic EPG would be in accordance with a well known and established language thereby ensuring greater compatibility between the devices.

Regarding claim 15, the process of generating an EPG using XML, as taught by Kido, may be also applied in the conversion or "transforming" step discussed in claim 13 in order to continue the use of a well known and established language, thereby further ensuring greater compatibility.

Claim 16 contains the limitations of claims 1 and 3 (wherein the method could be performed by a home device or "processing device") and is analyzed as previously discussed with respect to those claims (See Humpleman Fig. 1 element 104).

Furthermore, the home device or "processing device" produces a HTML network program guide or "corresponding output" that is sent to a client, e.g. a PC or Digital Television (DTV) (See Humpleman Fig 1. element 102 and 104).

Claim 17 contains the limitations of claims 1 and 3 and is analyzed as previously discussed with respect to those claims. Furthermore, Humpleman discloses that the method discussed in claim 1 can be embodied as a satellite receiving terminal labeled as DSS-NIU or "processor apparatus" (See Humpleman Fig. 1 element 104). In addition, the DSS-NIU or home device can maintain its own respective program guide; therefore inherently the DSS-NIU or home device has a "memory" associated with it (See Humpleman column 23 lines 41-49).

Claim 18 contains the limitations of claims 1 and 3 and is analyzed as previously discussed with respect to those claims. Furthermore, Humpleman also discloses that the method discussed in claim 1 can be received or "implement" by a Digital TV, personal computer (PC) or client or "processor apparatus" (See Humpleman Fig. 1 element 102; column 23 lines 5-8). In addition, it is known that a PC inherently utilizes some type of "memory".

Claims 4-7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. in view of (US006243707B1) in view of Knowles et al. (US006505348B1).

Claim 4 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Humpleman does not disclose "a

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plurality of classes of information and specifying properties of the classes utilizing attributes".

Knowles et al. (Knowles) discloses an interactive electronic program guide system. Knowles discloses that the IPGs can be customized, wherein the format of the IPG can be changed. The IPG contains information on pay-per-view (PPV) and different Themes of programming or "plurality of classes of information" (See Fig. 9). Furthermore, the PPV and Theme gives a list of times or "attributes" for the programs available (See Fig. 10 and column 5 lines 61-63). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Humpleman to provide "a plurality of classes of information and specifying properties of the classes utilizing attributes", as taught by Knowles, in order to expand the capabilities of the HTML network program guide by providing different types of information to the users.

Regarding claim 5, based on the guide customizations discussed in claim 4, the format of the IPG can provide additional information or "plurality of elements" such as movies or "class elements" and a list of episodes or "enumeration elements". Furthermore, the list of episodes or "enumeration elements" is associated with the movies or "class elements", while the movies are also "associated" with other types of programs such as sports or "class element" (See Knowles Fig. 9 and Fig. 10).

Claim 6 contains the limitations of claim 5 (wherein the movies provide different programs or "program class element" or a list of movies or "remaining class elements",

(See Knowles Fig. 10)) and is analyzed as previously discussed with respect to that claim.

Regarding claim 7, the IPG disclosed by Knowles further presents the Themes or “classes” as objects that can be seen from a screen, wherein some of the objects are listed or “oriented” in alphabetic order. Furthermore, the Themes or “classes” contain additional information such as channel numbers or “attributes”. The whole screen of the IPG contains different information elements or “structures” that enable the user to browse efficiently (See Knowles Fig. 10).

Regarding claim 9, the IPGs each could have their own configuration based on the guide customizations or “reference information model” thus producing different layouts or “schema” for each IPG (See Knowles column 7 lines 34-45), with the information being retrieved from the original generic EPG or “content-related information” as discussed in claim 1.

Claim 10 contains the limitations of claim 9 (wherein the IPGs or HTML network program guides could have their own different layouts or “plurality of different schema” and be read or “processed” by the PC or DTV as discussed in claim 1) and is analyzed as previously discussed with respect to that claim.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US006243707B1).

Official Notice is taken that it is well known to embody formatting instructions in a unified modeling language format (UML). Therefore, it would have been obvious to one

with ordinary skill in the art at the time the invention was made to embody the standard program format or "reference information model" previously discussed in claim 1, which is disclosed by Humpleman, as unified modeling language format (UML) in order to be in accordance with a well known and industry-standardized modeling language thereby ensuring greater compatibility and offering the capability of using object oriented programming.

Response to Arguments

4. Applicant's arguments filed 28 June 2004 have been fully considered but they are not persuasive.

Applicant argues that Humpleman does not teach configuring the "content-related information" to correspond to a "reference information model" to be processed by "an electronic program guide of a first type and at least a second electronic program guide of a second type different then the first type". However, Humpleman does disclose converting original EPG information to conform to a HTML standard program format to produce a HTML network program guide that can be processed by session managers of different types of devices, e.g. a PC or a DTV (See claim rejections).

Applicant further argues that Humpleman does not disclose that the "content-related information is expressed in an extensible markup language" and makes similar arguments with respect to claims 17 and 18. However, Kido does disclose providing an original EPG that is express in HTML or XML languages (See claim rejections).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Humpleman discloses providing network programs guides, where each device on the network maintains its own guide (See Humpleman column 23 lines 18-49). Knowles discloses an interactive electronic program guide system where Knowles discloses that the IPGs can be customized and that the IPGs can display various information in order to enhance the user's interaction with the system (See Knowles Fig. 9 and 10).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on 571-272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JGU
April 26, 2005

Jason Salce
